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TO RUEHC/SECSTATE WASHDC IMMEDIATE 9476

INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE IMMEDIATE

RUCNMEM/EU MEMBER STATES COLLECTIVE IMMEDIATE

RUEHZJ/HUMAN RIGHTS COUNCIL COLLECTIVE IMMEDIATE

RUEHNY/AMEMBASSY OSLO IMMEDIATE 0330

RUEHKO/AMEMBASSY TOKYO IMMEDIATE 5420

RUEAIIA/CIA WASHDC IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 NEW DELHI 005127

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E.O. 12958: DECL: 11/28/2027

TAGS: PHUM PGOV PREL PTER CE IN

SUBJECT: A/S SAUERBREY VOICES CONCERN OVER SRI LANKA'S INTERNALLY DISPLACED PERSONS AND HUMAN RIGHTS RECORD

Classified By: Political Counselor Ted Osius for reasons 1.4 (b and d)

¶11. (C) SUMMARY: In response to Assistant Secretary Ellen Sauerbrey's points regarding the status of Sri Lanka's Internally Displaced Persons (IDPs), the Government of Sri Lanka's (GOSL) slow pace of identification and prosecution of human rights abusers, allegations of child recruitment into the military, and the adverse effect of the GOSL's High Security and Free Economic Zones on the number of IDPs and the conditions of their relocation, Sri Lanka's High Commissioner to India C.R. Jayasinghe offered the following:

-the conflict poses a threat to human rights but the GOSL remains committed to ensuring human rights;

-the LTTE is manipulating the media to exaggerate human rights abuses in order to damage the GOSL's international standing;

-the GOSL does not condone child soldier recruitment; and

-the displacement of persons from security zones is an "unavoidable military precaution."

¶12. In a separate meeting, Ministry of External Affairs Joint Secretary T.S. Tirumurti told PolCouns that the GOI has no

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interest in new Sri Lanka peace initiatives until the GOSL delivers on its pledge of a credible devolution proposal.
END SUMMARY.

¶13. (C) Assistant Secretary for People, Refugees, and Migration Ellen Sauerbrey began her November 8 meeting with Sri Lanka's High Commmissioner to India C.R. Jayasinghe by voicing her concern for IDPs and disappointment with GOSL efforts to identify and prosecute perpetrators of human rights abuses. Jayasinghe conceded that the conflict poses threats to human rights and declared that the LTTE perpetuated an atmosphere where human right abuses occur by refusing to negotiate a settlement. He defended the GOSL's record in identifying human rights offenders, citing the work of the Commission of Inquiry in concert with the International Independent Group of Eminent Persons (IIGEP) in investigating fifteen serious human rights allegations since November 2006. Jayasinghe asserted that the LTTE "is trying every trick in the book by using its sympathizers to distort the magnitude of human rights abuse in order to damage my government's international standing." Responding to A/S Sauerbrey's point that those responsible for the killing of seventeen NGO workers in August 2006 have yet to be identified by GOSL mechanisms, Jayasinghe explained that the

incident was a priority of the Commission of Inquiry and IIGEP, both groups were in consultation with Australian experts called in by the GOSL, and he hoped the perpetrators would be identified soon.

¶4. (C) Engaging on child conscription, Jayasinghe said that no charges of child recruitment had been aimed at the GOSL and, "the Government of Sri Lanka has nothing to be ashamed of." He pointed to the LTTE as the main culprit in child conscription, claiming that the LTTE leadership accepted responsibility for the practice. Jayasinghe conceded that the Karuna faction was guilty of past child recruitment but pledged to discontinue the practice three or four months ago.

Attempting to distance his government from the Karuna faction, he noted that the faction had recently split and "Karuna was arrested in the U.K. on a fake passport." (NOTE: U.K. embassies in Delhi reported that the passport was a legitimate diplomatic passport pointing to GOSL complicity. END NOTE). When asked to comment on programs to rescue and rehabilitate child soldiers, Jayasinghe said that the GOSL continues to work in association with UNICEF and recognized international NGOs but, "the problem is that the LTTE, contrary to its commitments, has refused to release child combatants."

¶5. (C) Turning to IDPs, Jayasinghe stated that there are approximately 300,000 IDPs falling under three categories: Muslims chased out of the northeast; Sinhalese fleeing LTTE attacks; and Tamils escaping fighting and LTTE forced recruitment in contested areas. A/S Sauerbrey argued that GOSL evictions of civilians from High Security and Free Economic Zones exacerbated the problem and expressed concern for the degree of compensation provided to those displaced. Jayasinghe accepted that GOSL designation of areas surrounding military facilities in the Jaffna Peninsula and Trincomalee as High Security Zones do displace people but

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insisted that "these are unavoidable military precautions." He asserted that the IDPs' that are dissatisfied with their compensation have filed a Fundamental Right Application with the Supreme Court, indicating that effective civil recourse is available. Jayasinghe stated that the fundamental issue was the IDPs desire to return to their land, not compensation, "but we are caught in a bind." A/S Sauerbrey ended the discussion by reiterating USG concern for human rights and IDPs in Sri Lanka and reminded Jayasinghe that it was incumbent upon the GOSL to bring human rights violators to justice. She noted that the USG continues to offer its assistance in this regard.

¶6. (C) In a separate November 6 meeting, Government of India (GOI) Ministry of External Affairs Joint Secretary (Sri Lanka, Bangladesh, Maldives) T.S. Tirumurti told PolCouns that a credible devolution package had to be submitted by the GOSL before India would entertain an expanded role in resolving Sri Lanka's conflict. He opined that all interested countries need to assess the direction of the reconciliation process in Sri Lanka, starting with a devolution proposal, before they could become productive facilitators. "Otherwise, it would be putting the cart before the horse," he remarked. Tirumurti posited that the challenge was to convince the GOSL that their current military advantage provided an opportunity to push through a political solution. He offered that Prime Minister Singh repeated the GOI's mantra to President Rajapakse during his October visit to New Delhi that: there is no military solution to the conflict; a credible devolution proposal must be finalized soon; and India is concerned with human rights abuses and the rising number of IDPs. In response to PolCouns' query, Tirumurti claimed that arms packages were not discussed by the GOI and President Rajapakse.

¶7. (C) COMMENT: Tirumurti's comments indicate that the GOI is likely to shy away from direct involvement in any multilateral or Co-Chair initiatives until a clearer sense of

the GOSL's commitment to peace, a cessation of fighting, and a productive way forward is established, beginning with a devolution proposal that is acceptable to moderate Tamils.
END COMMENT.

¶8. This message was cleared by Assistant Secretary Ellen Sauerbrey.
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